IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No. 113 of 2004
Date of decision: January 22,2007

M/s.Friends Industries and others V.Punjab State Electricity Board and others

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Rakesh Chopra,Advocate, for the appellants.
Shri H.S.Sra, Advocate, for the respondents.

Viney Mittal,J.(Oral)

The plaintiffs are in second appeal. A suit for permanent injunction filed by them has been dismissed by the trial court. The appeal filed by them also failed before the learned first appellate Court.

Both the courts below have held that in view of the law laid by the Apex Court in Punjab State Electricity Board and another V. Ashwani Kumar 1997(supplementary) Civil Court Cases 1(SC), the civil court has no jurisdiction to entertain the suit.

Learned counsel appearing for the plaintiff-appellants,however, relies upon a judgment of the Full Bench of this court in Ranbaxy Laboratories Ltd. V. Punjab State Electricity Board, Patiala 2004(1) RCR(Civil) 816 to contend that the civil court had jurisdiction to entertain the suit filed by the plaintiffs. Shri H.S.Sra, learned counsel appearing for the defendant-respondents very fairly states that in view of the law laid down by the Full Bench in Ranbaxy Laboratories Limited's case (supra), the judgment and decree of the two courts below be set aside and the matter be remanded back to the trial court for fresh decision of the controversy between the parties, on merits.

In view of the very fair stand taken by the learned

counsel for the defendant-respondents, the present appeal is allowed. The judgments and decree of the two courts below are set aside. The matter is remanded back to the trial court for fresh decision of the suit filed by the plaintiffs on merits of the controversy.

The parties shall appear before the trial court on March 19,2007.

A copy of the order be given dasti on usual charges.

January 22,2007 (Viney Mittal)
sks Judge